

TOXIC SUBSTANCES CONTROL ACT12-31. Authorization of State and Tribal Programs under Section 404

1. **AUTHORITY.** The functions and responsibilities related to the authorization of State and Tribal Programs under Section 404 of the Toxic Substances Control Act, including but not limited to the following functions:
  - a. To process applications, including publication of notices of receipt in the Federal Register, for the authorization of State or Tribal programs submitted under TSCA Section 404(a) by any State or Tribe seeking to administer and enforce a program under TSCA Section 404.
  - b. To approve or disapprove under TSCA Section 404(b) an application for the authorization of a State or Tribal program submitted by any State or Tribe seeking to administer and enforce a program under TSCA Section 404.
  - c. To withdraw authorization of a State or Tribal program under TSCA Section 404(c) if a State or Tribe is not administering and enforcing a program in compliance with the standards, regulations and other requirements under TSCA, Title IV, Section 404.
2. **TO WHOM DELEGATED.** Director, Land, Chemical and Redevelopment Division.
3. **LIMITATIONS.** Before exercising these authorities, the delegatee must:
  - a. With respect to determinations under authorities 1.b. and 1.c., the delegatee, must consult with the director or designee for the Enforcement and Compliance Assurance Division and with the regional counsel or designee.
  - b. With respect to determinations pertaining to the approval or disapproval of any program application pursuant to which a State or Tribe seeks to administer or enforce standards, regulations, or other requirements established under TSCA Sections 402(a) or 406(b), and to determinations pertaining to the withdrawal of any program pursuant to which a State or Tribe is authorized, or is deemed to be authorized, to administer or enforce TSCA Sections 402(a) or 406(b) standards, regulations, or other requirements, consult with the assistant administrator for the Office of Chemical Safety and Pollution Prevention and the assistant administrator for the Office of Enforcement and Compliance Assurance, or their respective designees.
  - c. With respect to determinations pertaining to the approval or disapproval of any program application pursuant to which a State or Tribe seeks to administer or enforce standards, regulations, or other requirements established under TSCA Section 402(c) (3) and to determinations pertaining to the withdrawal of any program pursuant to which a State or Tribe is authorized, or is deemed to be authorized, to administer or enforce TSCA Section 402(c)(3) standards, regulations, or other requirements, obtain concurrence from the AA for OCSPP, unless and until such concurrence requirement is waived in writing by the AA for OCSPP. Prior to providing concurrence or waiving

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the concurrence requirement, the AA must consult with the general counsel and the AA for OECA, or their respective designees.

4. **REDELEGATION AUTHORITY.**

- a. These authorities may be redelegated to the branch chief level, or equivalent, and no further.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. **ADDITIONAL REFERENCES.**

- a. Title X of the Housing and Community Development Act of 1992, Public Law 102-550 (also known as the Residential Lead-Based Paint Hazard Reduction Act of 1992), which amended the Toxic Substances Control Act (15 U.S.C. § 2601) by adding Title IV - Lead Exposure Reduction.
- b. 40 C.F.R. Part 745.



Debra H. Thomas  
Acting Regional Administrator

APR 29 2019

Date